IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 14287 of 2004(A)

PETITIONER:

P.P.ISMAYIL, PANDAPILAKKAL HOUSE,
THANALOOR, PAKARA, MALAPPURAM DISTRICT.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
KERAL MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, MALAPPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
THIRUR, MALAPPURAM.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 AND R3 BY G.P. SRI.K.P. PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 7.4.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 14287 OF 2004

Dated this the 6th day of December, 2007

JUDGMENT

Petitioner is challenging revenue recovery proceedings for recovery of motor transport workers welfare fund contribution demanded for the year 2000-01. Petitioner was admittedly operating stage carriage during the year for which demand is raised. However, against provisional determination order, petitioner raised the contention that only his brother was employed and this contention was obviously unaccepted because a single person cannot operate a stage carriage. It is submitted by counsel for the first respondent that trade union and workers insisted on registration of workers and collection of contribution. Final determination order was passed based on evidence furnished by the workers and the order is seen received by the petitioner on 16.10.2002. Petitioner has not filed appeal against the order. Moreover demand raised is only for four workers who gave evidence about their employment in the petitioner's stage carriage. Therefore W.P. is de void of any merit and is dismissed.

(C.N. RAMACHANDRAN NAIR)
Judge